

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

Updated to include responses from the Attorney General and the Commission on Public Advocacy.

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2015-16		FY 2016-17	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	See Below			
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

This bill would change a penalty from death to life imprisonment without parole, eliminate a homicide report, and change provisions relating to murder in the first degree and restitution.

The Board of Parole estimates no fiscal impact from this bill.

The Department of Correctional Services (DCS) estimates a minimal impact.

The Attorney General states that because the bill requires Aggravation Hearings for all first degree murder cases, they may have to add staff. However, at this time they are unable to determine with certainty any impact to the Attorney General's Office.

The Commission on Public Advocacy states a minimal fiscal impact. The Legislative Fiscal Office (LFO) contacted the Commission on Public Advocacy for a further explanation of their fiscal impact. The Commission stated that for a first degree murder case to be a death penalty case, the prosecutor must file notice of aggravating circumstances, and enumerate those statutory aggravators. The Commission stated that they have had two death penalty cases over the last two years, which means that all the other first degree murder cases they have been appointed to, there were no aggravating circumstances. On all first degree murder cases the Commission assigns two attorneys. In death penalty cases, one attorney focuses on the guilt/innocence phase and the other attorney focuses on the sentencing phase.

So for the Commission, a death penalty case is like any other first degree murder case for purposes of caseloads. That is why eliminating the death penalty will have a minimal impact to the Commission because the attorneys that would have worked on death penalty cases are working on other non-death penalty homicide cases.

There could also be an impact to counties. The Commission states that if its caseload is reached, it would have to stop taking cases. The Commission also has to withdraw from cases on occasion because there is a conflict or there are codefendants. When this occurs, counties without public defenders could incur additional costs. This amount is unknown at this time.

Please complete ALL (5) blanks in the first three lines.

2015

LB⁽¹⁾ 268

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Attorney General

Prepared by: ⁽³⁾ John Freudenberg Date Prepared: ⁽⁴⁾ 3-6-15 Phone: ⁽⁵⁾ 471-2687

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2015-16		FY 2016-17	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

LB268 would require Aggravation Hearings for all 1st degree murder cases in the State of Nebraska. The office of the Attorney General may require additional staff, however, because the state of Nebraska is not able to determine how many 1st degree murder cases we may have in any given year, it is difficult to quantify with certainty the financial impact to the Attorney General's Office.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2015-16</u>	<u>2016-17</u>
	<u>15-16</u>	<u>16-17</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

Please complete ALL (5) blanks in the first three lines.

2015

LB⁽¹⁾ 268

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾

Nebraska Department of Corrections

Prepared by: ⁽³⁾ Chris Peters

Date Prepared: ⁽⁴⁾ 2/2/2015

Phone: ⁽⁵⁾ (402) 479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2015-16</u>		<u>FY 2016-17</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
CASH FUNDS	<u></u>	<u></u>	<u></u>	<u></u>
FEDERAL FUNDS	<u></u>	<u></u>	<u></u>	<u></u>
OTHER FUNDS	<u></u>	<u></u>	<u></u>	<u></u>
TOTAL FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Explanation of Estimate:

LB 268 eliminates the death penalty in Nebraska and replaces it with life without parole. The bill's fiscal impact on NDCS from changing the sentences of existing inmates from death to life without parole cannot be estimated with accuracy as there is no way to predict when the 11 inmates currently sentenced to death may be scheduled for execution nor when they might die of natural causes. As no one has been executed in Nebraska since 1997 and only 3 have been executed since 1976, the future impact of individuals convicted of capital crimes receiving life without parole instead of the death penalty would be minimal.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2015-16</u>	<u>2016-17</u>
	<u>15-16</u>	<u>16-17</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
<u>Benefits.....</u>	<u></u>	<u></u>	<u></u>	<u></u>
<u>Operating.....</u>	<u></u>	<u></u>	<u></u>	<u></u>
<u>Travel.....</u>	<u></u>	<u></u>	<u></u>	<u></u>
<u>Capital outlay.....</u>	<u></u>	<u></u>	<u></u>	<u></u>
<u>Aid.....</u>	<u></u>	<u></u>	<u></u>	<u></u>
<u>Capital improvements.....</u>	<u></u>	<u></u>	<u></u>	<u></u>
TOTAL.....	<u></u>	<u></u>	<u>0</u>	<u>0</u>

Please complete ALL (5) blanks in the first three lines.

2015

LB⁽¹⁾ 268

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Board of Pardons & Parole

Prepared by: ⁽³⁾ Rosalyn Cotton Date Prepared: ⁽⁴⁾ 1-20-15 Phone: ⁽⁵⁾ (402) 471-2156

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2015-16</u>		<u>FY 2016-17</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

No fiscal impact.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2015-16</u>	<u>2016-17</u>
	<u>15-16</u>	<u>16-17</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

Please complete ALL (5) blanks in the first three lines.

2015

LB⁽¹⁾ 268

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾

Nebraska Commission on Public Advocacy

Prepared by: ⁽³⁾

James R. Mowbray

Date Prepared: ⁽⁴⁾

3/05/2015

Phone: ⁽⁵⁾

402-471-7774

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2015-16</u>		<u>FY 2016-17</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

0
Explanation of Estimate: v It will have a minimal impact.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2015-16</u>	<u>2016-17</u>
	<u>15-16</u>	<u>16-17</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____